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Attorneys for Plaintiff  
 CRAIG YATES

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA**

CRAIG YATES,	)	Case No. C 07 4087 JSW
	)	
Plaintiff,	)	
	)	<b>STIPULATION AND ORDER TO</b>
vs.	)	<b>CONTINUE CASE MANAGEMENT</b>
	)	<b>CONFERENCE; [PROPOSED]</b>
UNION SQUARE; CITY AND COUNTY	)	<b>ORDER THEREON</b>
OF SAN FRANCISCO; CITY OF SAN	)	
FRANCISCO UPTOWN PARKING	)	Trial Date: None Set
CORPORATION, and DOES 1 through 50,	)	Complaint Filed: August 9, 2007
Inclusive,	)	
	)	
Defendants.	)	

**TO THE COURT AND ALL PARTIES:**

The parties, Plaintiff, Craig Yates, and Defendants, City and County Of San Francisco and City Of San Francisco Uptown Parking Corporation ("Defendants"), collectively, the "Parties", by and through their undersigned counsel, hereby stipulate to a continuance of the Case Management Conference currently scheduled for April 4, 2008, for 30 days.

**A. Recitals.** On August 9, 2007, Plaintiff filed his complaint in this lawsuit (the "Complaint") against Defendants for Injunctive & Declaratory Relief and Damages.

**B.** On November 19, 2007, Plaintiff filed a Request for Dismissal of

1 Defendants Emporio Rulli Il Caffe Union Sq.and Emporio Rulli Il Caffe Union Sq., Inc.  
2 which was granted on November 19, 2007.

3 C. On December 6, 2007, the Parties met and conferred at the subject  
4 property.

5 D. On December 12, 2007, Defendants re-filed their Motion for the  
6 Court to Decline Supplemental Jurisdiction Over and to Dismiss Plaintiff's State Law  
7 Claims [28 U.S.C. Section 1367 (c) and to Strike Plaintiff's Unsupported and Improper  
8 Damage Prayers from the Complaint [FRCP 12 (f)] ("Motion") which was originally filed  
9 on September 28, 2007, before Judge Elizabeth D. Laporte, and transferred to this Court  
10 for hearing on the Motion set for February 8, 2008.

11 E. On or about January 28, 2008 all counsel met pursuant to General  
12 Order 56.

13 F. On February 4, 2008 the parties met at the Union Square site and  
14 plaintiff examined multiple copies of blueprints of Union Square and underground garage

15 G. On February 7, 2008 the Court filed its order on the Motion. The  
16 Court found that the matter was appropriate for disposition without oral argument and  
17 granted the moving defendants' Motion to decline supplemental jurisdiction over the state  
18 law claims and denied in part and granted in part the moving defendants' motion to strike.  
19

20 H. On or about March 10, 2008 the plaintiff filed his notice of appeal  
21 of this Court's order granting the defendants' Motion to dismiss plaintiff's state law  
22 claims and striking related state law claims. Defendants question whether this appeal is  
23 properly filed.

24 I. On or about March 11, 2008 the plaintiff filed a complaint on his  
25 state law claims in San Francisco Superior court as case # CGC -08-473176. Defendants  
26 question whether this new lawsuit was properly filed in light of plaintiff's above-  
27 referenced appeal.

28 J. Plaintiff is still inspecting the site and the parties have not

1 completed the process set forth in General Order Rule 56.

2 K. Martin Orlick, Esq., counsel for defendants, will be out of the area  
3 and unavailable on May 15 through May 26, 2008, inclusive, and Defendants request that  
4 the Court schedule the Continued Case Management Conference on a date outside this  
5 date range.

6 In light of the foregoing recitals, the Parties request the Court continue the Case  
7 Management Conference for thirty (30) days for a date other than May 15 through May  
8 26, 2008.

9  
10 DATED: March , 2008

THIMESCH LAW OFFICES  
TIMOTHY S. THIMESCH  
GENE A. FARBER

11  
12 By: /s/ Signature Authorized  
13 Attorneys for Plaintiff CRAIG YATES

14 DATED: March , 2008

JEFFER, MANGELS, BUTLER & MARMARO LLP  
MARTIN H. ORLICK  
MATTHEW S. KENEFICK

15  
16  
17 By: /s/ Signature Authorized  
18 Attorneys for Defendants CITY AND COUNTY OF  
19 SAN FRANCISCO and CITY OF SAN FRANCISCO  
UPTOWN PARKING CORPORATION

20 DATED: March , 2008

OFFICE OF THE CITY ATTORNEY  
ELAINE O'NEIL  
JAMES MOXON EMERY

21  
22 By: /s/ Signature Authorized  
23 Attorneys for Defendant CITY AND COUNTY OF  
24 SAN FRANCISCO

25 **ORDER.**

26 The parties having so stipulated, and good cause appearing therefore,

27 ///

1 IT IS SO ORDERED that the Case Management Conference currently scheduled  
2 for April 4, 2008, be continued for thirty (30) days to \_\_\_\_\_.  
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4 DATED:

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UNITED STATES DISTRICT JUDGE  
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